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BOB BURNS PROPOSED AMENDMENT NO. 1

Arizona Corporation Commission

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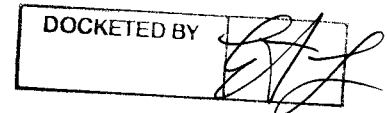
DATE PREPARED: October 15, 2014

OCT 15 2014

COMPANY: Johnson Utilities, L.L.C.

CORP COMMISSION  
DOCKET CONTROL

DOCKET NO.: WS-02987A-12-0136



OPEN MEETING DATES: October 16, 2014

AGENDA ITEM NO. 24

*The purpose of this amendment is to update the ROO to reflect recent filings in the docket.*

At page 6, line 26, INSERT:

On September 4, 2014, Pulte filed a Third Public Comment requesting that the Commission grant a conditional CC&N to Johnson for all areas within the requested CC&N area.

On September 5, 2014, Johnson filed Exceptions which attached updated Wastewater Compliance Status Reports dated August 27, 2014, for the Pecan and San Tan Wastewater Treatment Plants ("WTPs"), which indicated that those plants are operating in compliance with applicable requirements of ADEQ, with no material violations that would prompt ADEQ to take enforcement action.

Also on September 5, 2014, Staff filed a Request for Clarification of Recommended Order and Opinion, explaining the basis for Staff's recommendation for an OP for Merrill Ranch Expansion One Units 59A, 59C, 59D, and 59E is because the planned date of construction is far into the future.

On October 2, 2014, Staff filed updated comments stating that based upon Johnson's ADEQ Compliance Status report for Pecan dated August 27, 2014 and the September 18, 2014 report for San Tan, neither WTP was in violation of ADEQ requirements at a level where ADEQ would take any action. Staff indicated it did not oppose the issuance of a conditional CC&N for each of the requested CC&N extension areas except for the last four units of Merrill Ranch Expansion One, for which it still recommends OPs.

On October 10, 2014, Pulte filed a Fourth Public Comment in this docket, again requesting that the Commission grant a conditional CC&N to Johnson for all areas within the requested CC&N extension area.

On October 14, 2014, Johnson filed its Proposed Amendment No. 2.

At page 14, line 17-18, DELETE the last sentence of FINDING OF FACT No. 37 which begins "As a result...."

At page 14, line 19, add new FINDING OF FACT No. 40:

40. On September 5, 2014, Johnson filed copies of updated ADEQ Wastewater Compliance Status Reports dated August 27, 2014, showing that the Pecan and San Tan WTPs are operating in compliance with applicable requirements of ADEQ, with no material violations that would prompt ADEQ to take enforcement action. In addition, the updated status reports show that Johnson has met the compliance conditions associated with the May 30, 2013 NOV at the San Tan WTP. On October 2, 2014, Staff filed ADEQ compliance status reports indicating that neither the San Tan WTP nor the Pecan WTP were in violation of ADEQ requirements at a level where ADEQ would take any action.

At pages 15 and 16, DELETE page 15, line 5 through page 16, line 4 and REPLACE with the following new FINDING OF FACT Nos. 41-43:

41. Although the application lacked the required preliminary engineering reports pursuant to A.A.C. R14-2-402(B)(5)(n), Staff acknowledges that in this case it prematurely deemed Johnson's application sufficient. A preliminary engineering report dated May 18, 2013 was subsequently submitted for Merrill Ranch Expansion One Units 53A, 53B, 55A, 55C, 57A, 57B, 59A, 59C, 59D, and 59E. Staff continues to recommend an OP for Merrill Ranch Expansion One Units 59A, 59C, 59D, and 59E.

42. Johnson's and Staff's most recent filings show that the Company's Pecan and San Tan WTPs are operating in compliance with applicable ADEQ requirements, with no material violation that would prompt ADEQ to take enforcement action. Staff does not oppose the issuance of a conditional CC&N for each of the requested CC&N extension areas except the Merrill Ranch Expansion One Units 59A, 59C, 59D, and 59E.

43. In addition, the filing by Johnson on September 5, 2014 shows that the Company has met the compliance conditions associated with the May 30, 2013 NOV at the San Tan WTP.

At page 16, lines 14-15, DELETE the words "once the Company establishes that all of its water and wastewater systems are in compliance with ADEQ regulations,"

At page 17, line 1, DELETE from CONCLUSION OF LAW No. 5 the words "an Order Preliminary" and REPLACE with "a Conditional Certificate of Convenience and Necessity."

At page 17, line 5-8: DELETE ORDERING PARAGRAPH and REPLACE with new ORDERING PARAGRAPH:

IT IS THEREFORE ORDERED that Johnson Utilities, L.L.C.'s application for an extension of its water and sewer Certificate of Convenience and Necessity to include the area described in Exhibit A, attached hereto, is hereby conditionally granted subject to the following Ordering Paragraphs.

At page 17, lines 9-21, DELETE the three ORDERING PARAGRAPHS.

Make all other conforming changes.